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April 24, 2020

Via ECF and First-Class Mail

The Honorable Eric N. Vitaliano
United States District Judge for the
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Marin, et al., v. Apple-Metro, Inc., et al., Case No: 12-cv-5274 (ENV)(CLP), and
Dove, et al., v. Apple-Metro, Inc., et al. Case No: 13-cv-1417 (ENV)(CLP)

Dear Judge Vitaliano:

Along with our co-counsel, we represent Plaintiffs in the above-referenced cases. We write to rescind our March 11, 2020, letter request to stay this matter pending settlement, as Defendants are refusing to carry out their obligations under the parties' memorandum of understanding ("MOU") in these matters, which the Court so ordered on March 13, 2020. *See* ECF #s 336 (*Marin*), and March 13, 3030 Unnumbered Docket Entry. Indeed, despite reaching an agreement on March 9, 2020, to resolve all claims in these matters on a collective- and class-wide basis - - and despite agreeing to all material terms of said settlement, in writing, and executing the same - - Defendants have defaulted on their first payment obligation under the terms of the parties' agreement and have expressly stated that they will not be complying with the terms. A copy of the parties' MOU is attached hereto as Exhibit A. A copy of the parties' correspondence concerning same is attached hereto as Exhibit B. As a result, we respectfully request that the Court lift the stay in these matters and resume consideration of Defendants' objections to Judge Pollak's Report and Recommendation, granting in substantial part Plaintiffs' motion for partial summary judgment and class certification, ECF # 293 (*Marin*), which has been fully briefed and pending since the parties submitted their post oral argument briefs on August 13, 2018, ECF # 322 (*Marin*).

We remain available and more than willing to provide further information if the Court so requires. We thank the Court for its time and attention to these matters.

Respectfully submitted,



Michael R. Minkoff, Esq.

For the Firm

C: Counsel of Record (via ECF)